

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHARLES A. WALKER,)
)
)
Plaintiff,))
)
)
v.) 1:25CV82
)
)
UNKNOWN OFFICIALS AT FCI)
MCDOWELL,)
)
)
Defendant(s).)

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a federal prisoner housed at FCI McDowell, submitted a letter complaining about his treatment in that facility. Given the nature of the allegations, the Court treated the filing as a civil rights action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). The form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed and signed by Plaintiff, to permit review.
2. The Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission. See LR 7.1(d).

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects of the present Complaint. To the extent Plaintiff chooses to file a new Complaint, the Court also notes that

it appears that the potential defendants may be located in the Southern District of West Virginia, where Plaintiff is housed. The events challenged in the Complaint are all alleged to have occurred there as well. Therefore, it appears venue would be proper in that district, and Plaintiff may obtain forms and instructions from the Clerk's Office for filing in that district. See 28 U.S.C. § 1391(b). The address is: Elizabeth Kee Federal Building, 601 Federal Street, Room 1000, Bluefield, WV 24701.

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS RECOMMENDED that this action be dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper forms and in the proper district, which corrects the defects cited above.

This, the 12th day of February, 2025.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge